

Sexual Harassment in the Workplace

Title VII of the 1964 Civil Rights Act prohibits employment discrimination based on sex. Sexual harassment is a type of sex discrimination and is defined as “Unwelcome sexual advances requests for sexual favors, and other verbal or physical conduct of a sexual nature”.

Illegality

Sexual harassment is illegal if:

- Unwelcome
- Based on sex
- Sufficiently severe or pervasive to alter the terms and conditions of employment



EEOC Statistics: Disposition of Charges - 2018

- 26,700 charges filed
- 20,710 (67.7%) - No reasonable cause
- 1,200 (3.9%) - Reasonable cause
- 4,790 (17.9%) - Settled, closed, or otherwise resolved



Types of Illegal Harassment

Quid Pro Quo

“This for that”, i.e. career favors in exchange for sexual favors



Hostile Work Environment

Unwelcome sexual behavior creating an offensive, hostile, or intimidating work environment affecting an employee’s ability to work

Retaliation

- Action against an employee for complaining of, providing witness statement about, or supporting a victim of discrimination/harassment
- Courts are not tolerant of retaliation; employers must be certain to guard against it
- Those who retaliate against employees reporting harassment will be disciplined



Includes but Isn’t Limited to:

- Harassment can be directed by members of the opposite or same gender
- Victims can be anyone affected by the conduct — not just the intended target
- Harassment depends on how the victim is affected, not on the harasser’s intent
- Harasser’s conduct must be unwelcome



Discuss the county’s sexual harassment policy, particularly employee responsibilities and reporting requirements



Discuss the negative impact sexual harassment has on an office and staff



Remind staff that sexual harassment is strictly prohibited